

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STATE OF TEXAS,

Plaintiff,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants.

Case No. 4:24-cv-499

DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants provide notice of the Supreme Court’s decision in *Murthy v. Missouri*, 602 U.S. ___, No. 23-411 (June 26, 2024). *Murthy* confirms that any preliminary relief in this case must be limited to Texas in its capacity as employer. As relevant here, the Supreme Court emphasized that “the Fifth Circuit also erred by treating the defendants, plaintiffs, and platforms each as a unified whole.” Slip op. at 13. The Court explained that “‘standing is not dispensed in gross,’ *TransUnion LLC v. Ramirez*, 594 U. S. 413, 431 (2021),” and so “‘plaintiffs must demonstrate standing for each claim that they press’ against each defendant, ‘*and for each form of relief that they seek.*’” *Id.* (emphasis added). Plaintiff here has not established the need for universal relief. Texas has no entitlement to relief that would prevent Defendants from enforcing the 2024 EAP Rule against other employers nationwide that did not join this lawsuit. If the Court enters any relief, it should instead take the appropriate path of “[e]njoining an agency from acting as to only the plaintiff[], rather than vacating agency action as to even nonplaintiffs.” *Chamber of Com. of the U.S. v. CFPB*, No. 6:22-CV-00381, 2023 WL 5835951, at *11 (E.D. Tex. Sept. 8, 2023), *appeal pending*, No. 23-40650 (5th Cir.). Entering universal relief would be error. *See Murthy*, slip op. at 13.

Dated: June 26, 2024

Respectfully submitted,

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/s/ Brian Rosen-Shaud

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